1: Evans-Pritchard E-5 (1931, 1936) 1940
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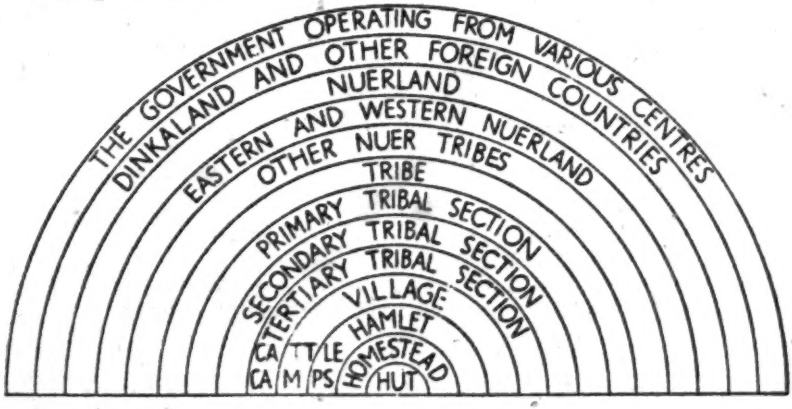
already made, we will give immediate consideration only to political distance and only to some characteristics of it.

631 Nuer give values to local distributions. It might be thought a simple matter to discover what these values are, but since they are embodied in words, one cannot understand their range of reference without considerable knowledge of the people's language and of the way they use it, for meanings vary according to the social situation and a word may refer to a variety of local groups. It is, nevertheless, possible to differentiate them and to make a crude formal classification of them, as we have done in the diagram below.



Nuer Socio-Spatial Categories.

592 621 A single living hut (*dwil* or *ut*) is occupied by a wife and her children and, at times, by her husband. They constitute a simple residential family group. The homestead, consisting of a byre and huts, may contain a simple family group or a polygamous family and there are often one or two kinsmen living there as well. This group, which we call a household, is often referred to as the *gol*, a word which means 'hearth'. A hamlet with gardens and waste land around it is called *dhor* and each has its special name, often derived from some landmark or from the name of the senior kinsman living there. A hamlet is 621 generally occupied by close agnatic kinsmen, often brothers, and their households, and we call this group of persons a joint family. As these groups are not treated in our account we say no more about them. It must be remembered, however, that a

8:Howell E, G-5 (1942-1944)1954
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In giving judgement, a Nuer court will almost always specify the size and sex of the animal to be paid by the defendant. This is especially the case when the defendant is unable to pay immediately, for otherwise he will be expected to name and describe the exact animal he proposes to pay.

In most cases the nature of the claim will be clear to the reader from the context. The administrator who is concerned with the practical application of Nuer law will be wise to master these terms at the outset. The terms are also set out for easy reference in the Glossary at the end of this book.

2. AN INTRODUCTION TO NUER SOCIETY

Origin and History

The Nuer call themselves *Naadh*,[1] which simply means 'people', '*kon nei te Naadh*', 'we are the people of the People', an expression which is sufficiently descriptive for their own purposes and reveals their arrogant belief in their own superiority over other human beings. By other tribes they are often spoken of as Nuer, and to be explicit to the ignorant stranger they will sometimes say '*kon Nuere*', 'we are Nuer'. Their origin remains obscure. Nuer themselves merely say that their ancestors descended from the sky down a convenient rope or by means of an exceptionally large *akot* (*Ficus*) tree which still grows in Jagei country in the centre of Western Nuer District, an area from which they all came. Other theories of their origin seem to me no less conjectural and in the absence of more convincing evidence, we may as well leave it at that.[2] Culturally they are very near to the Dinka, and the two languages have close affinities. They are clearly of the same stock, but it remains a mystery why the Nuer should have emerged as a separate people with comparative suddenness about the beginning of the nineteenth century, driven the Dinka out of so much of their country, seized so many of their women and cattle, and absorbed whole sections of Dinka into their own society. Their extraordinary vitality, expressed in a peculiar vivacity of speech, in physical courage and endurance, their arrogance and democratic outlook coupled with a most engaging sense of humour, make them outstanding among the peoples of the Sudan.

They are divided into a number of 'tribes', the tribe being the largest group which in the past had any real and permanent sense of corporate unity. Each tribe is further divided into segments and subsegments, each occupying a common territory with a common name. Administratively they are now divided into three Districts: Western

[1] Sometimes spelt *Nath*.

[2] See Evans-Pritchard, *The Nuer*, p. 3. Fr. J. P. Crazzolara's two recent books on *The Lwoo* (Missioni Africane, Verona, 1950–51) do not provide much further information on Nuer origins.

8:Howell E, G-5 (1942-1944)1954
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631 Nuer District, which includes the Bul, Leik,[1] Jikany Cieng,[2] Jagei, Dok (and Aak), and Nuong (and Dur) tribes, with its headquarters at Bentiu on the Bahr el Ghazal; Central Nuer District, which includes the Lak, Thiang, Gaawar[3] and Lou[4] tribes, with its headquarters at Fangak on the Bahr el Zeraf; Eastern Nuer District, which is occupied by the whole of the Jikany Dhor people, divided into the Gaajok, Gaajak and Gaagwang tribes, with headquarters at Nasir on the river Sobat. Generally speaking, the administrative system follows the tribal pattern with centres in each tribal area, and in some cases in each primary segment of a tribe, though nowadays there is a tendency for segments to be combined in the development of Local Government based on territorial rather than traditional considerations.

175 At the beginning of the nineteenth century all Nuer were living west of the Nile. By the end of that century they had occupied an area stretching from the White Nile in the north, north-east of the river Sobat and north-west of the Bahr el Ghazal, eastwards to the Ethiopian frontier, and southwards along the Pibor river to the borders of Murle country and across to the headwaters of the Bahr el Zeraf.

An historical account of their warlike invasions of Dinka country and their gradual migration and expansion eastwards is not part of this book, but there are certain observations concerning their history which are relevant to a study of their customary law. There appear to have been five main periods in Nuer history: (i) The period before their move eastwards, about which little is known, but when they must have been fewer in numbers and more closely united as a people. What was then a tribe would, in numbers, be approximate to a tribal segment today, and tribal boundaries were less clearly defined. (ii) The period of initial invasion when they moved eastwards in a series of waves which began with cattle raids and ended in permanent occupation. This period is recounted in traditions relatively fresh in the minds of the Nuer and not yet merged into tribal mythology. (iii) The period of numerical expansion by natural processes and by the absorption of huge numbers of Dinka and therefore much of Dinka culture. It should be noted that this period was characterized by the facility with which Dinka elements were incorporated into Nuer society without friction or a trace of symbiosis. It is probable that at this time the Nuer lost much of their former cohesion, particularly as they were almost simultaneously subjected to the disrupting effects of slave raids from the north. (iv) At any rate the third period seems to have been followed almost immediately by a period of disharmony, suspicion,

[1] Sometimes spelt Leek.

[2] Variously spelt Jikany, Jekaing, Jekain, etc. The Jikany Cieng—lit. 'homeland Jikany'—are the parent tribe from which the Jikany Dhor—lit. 'outside Jikany'—originally sprang.

[3] More commonly, though incorrectly, spelt Gaweir.

[4] Sometimes spelt Lau.

10:Evans-Pritchard E-5 (1931-1936) 1940
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travellers are to be trusted, to have been much change of territory during the last fifty years. This eastwards migration is a fact that has to be taken into account, with those related earlier, if we wish to know why the eastern tribes are larger, territorially and numerically, than the western tribes, for it may be assumed that the struggle of conquest and settlement, and absorption of Dinka on an unprecedented scale, had some effect on the migrating hordes.

To the north, the Nuer are in varying degrees of contact with Arabs, the peoples of the Nuba Hills, the powerful Shilluk kingdom, and certain small communities in Darfung (Burun and Koma); while to the east and south-east they are bordered by the Galla of Ethiopia, the Anuak, and the Beir. Wherever the Nuer have direct relations with these peoples, they are hostile in character.

Arab slave-raiders from the Northern Sudan intruded here and there into the more accessible portions of Nuerland in the second half of the nineteenth century, but nowhere did they gain the upper hand or, indeed, make a marked impression on the Nuer, who opposed them as strongly as they resisted later the Egyptian Government, which undertook no serious operations against them. The Nuer likewise treated British rule with open disrespect till, as a result of lengthy military operations between 1928 and 1930, their opposition was broken and they were brought under effective administration. With the exception of this last episode in their history, the Nuer may be said to have reached in their foreign relations a state of equilibrium and of mutual hostility which was expressed from time to time in fighting.

A tribe is divided into territorial segments which regard themselves as separate communities. We refer to the divisions of a tribe as primary, secondary, and tertiary tribal sections. Primary sections are segments of a tribe, secondary sections are segments of a primary section, and tertiary sections are segments of a secondary section. A tertiary section is divided into villages and villages into domestic groups. A member of Z^3 tertiary division of tribe B sees himself as a member of Z^2 community in relation to Z^1, but he regards himself as a member of Y^2 and not of Z^2 in relation to Y^1. Likewise, he regards himself as a member of Y, and not of Y^2, in relation to X. He regards himself as a member of tribe B, and not of its primary section Y, in relation to tribe A. Thus, on a structural plane, there is always contradiction in the definition of a political group, for a man is a member of it in virtue

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619 of his non-membership of other groups of the same type which he
631 stands outside of, and he is likewise not a member of the same community in virtue of his membership of a segment of it which stands in opposition to its other segments. Hence a man counts as a member of a political group in one situation and not as a member of it in a different situation, e.g. he is a member of a tribe in relation to other tribes and he is not a member of it in so far as his segment of the tribe is opposed to other segments. In studying the Nuer political constitution, it is therefore essential that we

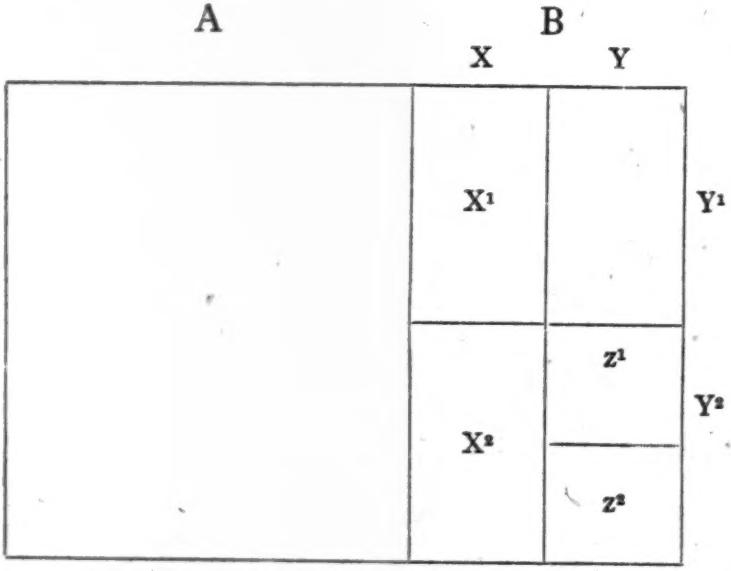

DIAGRAM No. II

view it together with those of their enemies as a single political system, for the outstanding structural characteristic of Nuer political groups is their relativity. A tribal segment is a political group in relation to other segments of the same kind, and they jointly form a tribe only in relation to other Nuer tribes and to adjacent foreign tribes which form part of their political system, and without these relations very little meaning can be attached to the concepts of 'tribe' and 'tribal segment'. That the distinction and individuality of a political group is in relation to groups of the same kind is a generalization that embraces all Nuer local communities, from the largest to the smallest.

128 The relation between tribes and between segments of a tribe

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167 101 177 of expansion and absorption has not been so extensive it has, nevertheless, been considerable. Both Nuer and Dinka myths recognise their common ancestry. It will soon be possible to see how closely their cultures approach one another to-day, but I reserve this comparison until the data is more abundant.

648 131 The Nuer have not been greatly affected by foreign influences owing to their geographical environment. Slight regional differences in environment exist, but their country is throughout hard on man and beast since it consists of an enormous plain which for the greater part of the year is either a parched desert or a swamp. These circumstances make the Nuer difficult to approach and their relations with the Government of the Anglo-Egyptian Sudan have, on the whole, been broken and unsatisfactory and culminated a few years ago in open warfare on both banks of the Nile. Subsequently, a more deliberate policy and more systematic control were established for the whole area. At an early period the Nuer came into contact with Arabs, but, though this contact was closer in some parts of Nuerland than in others, I do not believe it anywhere deeply affected their culture.

Sketch map No. I shows the position of the Nuer in relation to the Shilluk and Dinka. The Nuer themselves speak of those tribes which inhabit the country to the west of the Bahr-el-Gebel as "homeland Nuer" (*Nath cieng*) and of those tribes which inhabit the country to the east of the Bahr-el-Gebel as "bush Nuer" (*Nath doar*), and it is convenient to make this distinction also by speaking of these two divisions as Western Nuer and Eastern Nuer respectively.

II.

•631 619 Nuerland is divided into a number of territorial sections, the occupants of which form political units of the Nuer nation. These territorial sections I will call countries and the political units which occupy them I will call tribes. Thus, the Lou country is a territorial division of Nuerland and the Lou tribe is a political division of the Nuer nation. These tribes are shown on the accompanying sketch map No. II.

The published estimates of population of Nuer tribes will give some idea of their numerical importance.

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EASTERN NUER.

Tribe.		*Population.*	
Thing	10,000[1]	...	—
Lou	70,000[1]	...	100,000[3]
Lak	30,000[1]	...	(+Thiang 40,000)[3]
Gaawăr	50,000[1]	...	30,000[3]
Jekany (Gaajok, Gaajak, Gaagwang)	160,000[1]	...	200,000[3]
Total for Eastern Nuer	320,000[1]	...	370,000[3]

There is no doubt that many of these estimates are excessive. The latest figures, and doubtless the most accurate ones, have not yet been published, but I have been privileged to see some of them. They place the Thiang at 7,750, the Lou at 19,025,[3] the Lak at about 18,000, the Gaawăr at 18,000. There is a probability, therefore, that the Eastern Nuer do not exceed 200,000–300,000 in total number.

Jackson does not furnish figures for the Western Nuer. Those given in the Rejaf Conference Report present a total population of 60,000 for all tribes. The only tribal figures I have seen are based partly on tribal affinity and partly on areas of administration. They are :—

WESTERN NUER.

Tribe.	*Population.*
Dok	11,063 (1927)
Jagei	5,195 (1927)
Nuong	7,421 (1927–1929)
Bul	10,924
Lek (one section)	8,353
Lek (another section + two sections of Jekany)	3,120
Kilual (+ some Jekany)	2,953 (1927)
Jekany (one section)	4,031 (1927)
Total	53,060

I am fairly certain that not every one of the names given on the map represents a tribe in the sense in which I am using the term. The exact nature of these political divisions will be known only as a result of further research. A tribe is defined as the largest political unit within the nation and it has four characteristics : (1) it has a territorial basis, (2) its members have a common name and sentiment, (3) it regulates disputes between its members, (4) it unites for war against other tribes or segments of other nations.

[1] Is an estimate given by Jackson (*op. cit.*) in 1923.

[3] Is an estimate given in the *Report of the Rejaf Language Conference*, in 1928.

[3] The wide discrepancy between the latest and earlier estimates for the Lou is possibly due in part to inclusion in the earlier figures of the Ngok Dinka and those Dinka who have since been transferred to Dinkaland by the Government.

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631 617 (1) The territory of each tribe is clearly marked off from those of its neighbours. Each tribe has its permanent villages and its fields of economic exploitation. The Lou, for instance, have their tribal grazing grounds, hunting areas, wells and lakes and rivers for dry season occupation and for fishing. The Gaajok also have their grazing grounds, etc., and if the Lou infringe on these there is sure to be fighting unless some arrangement has been reached between the tribal sections concerned.

619 (2) Each tribe has not only its territory, but its members have a common name and sentiment. Thus Lek, Lou, Lak, Gaawär, etc., are the names by which the country and its occupants are known. Lou country is known as *rol looka* (genitive of lou) and Lek country is known as *rol legni* (genitive of lek), and an inhabitant of these two countries is spoken of as *ran looka* and *ran legni* respectively.

I am unable always to give the etymology of these tribal names. Some of them are clan names like Gaajok and Gaawär, since the tribe is named after its dominant clan. I will speak later of the meaning of clan names. Other tribes have stories accounting for their names, but these are in the nature of popular etymology and are sometimes contradictory. Thus the Lou and Rengyan tribes have aristocracies sprung from a common ancestor, Denac, and are said to be so called because there was a fight between the herd bulls of the two lineages. A *tut ma lou* (mouse-coloured bull) represented the lineage which migrated to Lou country and a *tut ma reng yan* (bull with fawn markings) represented the lineage which remained behind in Rengyan country (part of the country marked Jagei in the sketch map). Hence the two countries and the tribesmen who occupy them are called after those two bulls. I have heard a similar story accounting for the split which took place between the lineages which give their names to Lek and Kärlual countries. Here again the bulls of the two lineages had a fight, that occupying Lek country being represented by a *tut ma lek* (bull with giraffe-like markings) and that occupying Kärlual country being represented by a *tut ma kär lual* (bull with brown markings). Another man told me that when the original occupiers of Lek country entered it they discovered a pool crowded with a species of fish which they caught to satisfy their hunger, and that, as this species of fish is known as *lek*, the country and tribe were called after them. Jekany is another tribal name of which the meaning is far from clear. Jackson (p. 75) recounts that when Kir

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SKETCH MAP No. II.
Rough Sketch Map showing Tribal Areas. The Eastern Jikany are shown as three tribes whereas the Western Jokany are shown as one tribe. Jagei includes a number of small tribes, Rengyan, Bor, Lang, etc.

[facing p. 8]

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In the same manner diagram No. III shows the primary sections of the Gaagwang tribe and the primary and secondary sections of the Gaajak and Gaajok tribes. These are presented as accurately as my knowledge permits, but anyone acquainted with the difficulties of unravelling the complex system of Nuer tribal divisions will not be surprised if he discovers sections which he knows under different names or others which he may think should not have been omitted. I do not know for sure what are the secondary tribal sections of the Gaagwang tribe.

DIAGRAM No. III.
EASTERN JEKANY TRIBES.

GAAJOK tribe.	GAAGWANG tribe.	GAAJAK tribe.	
Thiur sec. sect.		nyayan sec. sect.	
Dwong sec. sect.	GAATCIKA prim. sect.	cany sec. sect.	GAAGWONG prim. sect.
LAANG prim. sect. Kwith sec. sect.		wau sec. sect.	
Minyâl sec. sect.		kŏng sec. sect.[1]	
WARCHAC prim. sect. Wang sec. sect.	NYINGER prim. sect.	col sec. sect.	RENG prim. sect.
Nyathol sec. sect.		dhilleak sec. sect.	
Pwot sec. sect.		tar sec. sect.	
Kwal sec. sect.	NYAANG prim. sect.		THIANG prim. sect.
YOT prim. sect. Yiic sec. sect.		kang sec. sect.	
Cam sec. sect.		lony sec. sect.	
Kwul sec. sect.			

Each of these tribal sections possesses the characters of the tribe itself, but more intensified. Each has its name, but the smaller the segment the stronger the sentiment associated with it. Each has a territorial basis, but the smaller the segment the more compact the territory, the more contiguous its members. Just as the tribe itself is crystallised around a clan so each segment is crystallised around a lineage of the clan and the smaller the segment the closer the relationship between members of this kinship nucleus. As I have said before, the smaller the area the greater the social cohesion.

Each of these segments is a political group and an economic group. As a political group it unites for warfare. The principle of unity is as

[1] Also called Tiek and Yaar.

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619 follows (*see* diagram No. II). Leng tertiary tribal section may fight Nyark-
631 wac tertiary tribal section, and in fact there has been a long feud between
628 the two, but, in theory, according to my informants, if there is a row between Gaatbal secondary tribal section and Rumjok secondary tribal section, Leng and Nyarkwac will unite against the common enemy Rumjok which recruits from the several segments into which it is divided. On the other hand, if there is a fight between the Mor and Gun primary tribal sections, Rumjok and Gaatbal will unite against the combined Mor sections of Gaaliek, Jemac, and Jaajoah. This division of forces is based on the double principle of social cohesion, territorial contiguity and kinship. The Mor sections all live in one part of Lou country and the Gun sections all live in another part of Lou country (*see* sketch map No. III). The dominant lineages of the Mor sections are related closely to each other, while the dominant lineages of the Gun sections are also on their side closely related. However, I was told that in a row of this kind between Gun and Mor primary sections every effort would be made to turn the combat into a harmless armed demonstration (like so much of Nuer combativeness) rather than a regular pitched battle. My informants said that if no one were killed in the preliminary skirmishes the older men would get together and arrange for compensation to be paid for the offence which occasioned the rupture—generally a dispute about the ownership of cattle.

619 When a raid into Dinka country was organised Mor and Gun would
721 both contribute warriors to the expedition, since both sections belong to the same tribe and since their dominant lineages are united by kinship bonds.

619 A similar principle was supposed to operate among the Jekany (*see*
628 diagram No. III). Thus Minyääl, Wang and Nyathuol would combine
631 against Yol. Also Thiur, Dwong and Kwith sections would unite for purposes of warfare. The primary tribal sections were frequently at strife with one another, and in these feuds we again see how closeness of contiguity and kinship are the deciding factors in the combinations. Thus my informants said that Wangkac and Yol will unite for war against another section since the ancestors of the dominant lineages of both sections were sons of the same mother (Nyalieth, wife of Ken, son of Majok). According to this principle Wangkac, Laang and Yol ought to combine against the Gaajak tribe.

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However this may have been in theory, in practice these tribal sections were largely autonomous groups and acted as such in their enmities and alliances. At one time they would be fighting among themselves and at other times they would combine against a third party, though the combinations were not as regular and simple as they were explained to me and as I have stated them on paper. I am extremely ignorant about the history of feuds among sections of the Lou and Jekany tribes and I record here the slight data I possess on the subject. I have already referred to the feud between sections Leng and Nyarkwac of the Lou tribe. This springs out of an earlier feud between sections Thiang and Yol which once formed sub-sections of Nyarkwac. The ancestors of the dominant lineages in the Leng and Yol sections were brothers, whereas the ancestor of the dominant lineage of the Thiang section stood to these brothers in the relation of sister's son. For a long while the Yol and Thiang sections lived peaceably together, but about thirty or so years ago a feud broke out between them and the Thiang section fled, defeated, to seek protection among the Leng section. The Yol sent messengers to the Leng telling them that they were not to receive their enemies or give them a home in their country. The Leng section replied that the ancestor of the LENG lineage was the maternal uncle of the ancestor of the THIANG lineage and that they could not refuse asylum to their sister's sons. This attitude involved Yol (Nyarkwac) in a second feud, this time with a combination of Leng and Thiang.

In Gaajok country the Yol primary tribal section joined the Gaagwang tribe (who seem to have identified themselves so much with the Gaajok tribe that we may almost speak of them as a single tribe separated from the Gaajak by the wide Macar swamps) against several (if not all) sections of the Gaajak tribe. I have a note that Yol fought Nyayan while Gaagwang fought Reng and Kang sections.

It appears that about half a century or more ago the Laang and Wangkac primary sections of the Gaajok tribe were involved in a long feud and that there was warfare between the Yol and Wangkac sections. In the course of this warfare Yol were assisted by their allies the Gaagwang tribe and together they defeated the Wangkac so heavily that they moved to the far south along the Pibor river in the neighbourhood of Beirland. Here they say that they were attacked by " Turuk " and fled north again

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A minor lineage like the PUAL lineage of the GAATBAL are a community really well knit by common residence and blood who lead a common economic, political and social life. If one takes a smaller lineage still, like the MÄR lineage (see diagram No. V), one reaches the strongest unilateral unit in Nuer society, a unit whose members herd their cattle by communal arrangements; who build their huts contiguously and cultivate gardens side by side; who act as a blood revenge group in case of the homicide of one of their kin; who assist one another in providing cattle for marriage or homicide payments; who act as assistants at all important ceremonies; and who in general co-operate as a mutual assistance society for all purposes of social insurance. At least this is how I understand the relative cohesion of clan segments, though I feel that there is a leaning towards theoretical conclusions not adequately supported by a strong foundation of facts in my presentation.

The difference between kinship groups and political groups and their interwoven structures may now be demonstrated by a simple diagram though our definitions of groups are too elastic to permit an exact correlation between kinship and political units.

DIAGRAM No. IX.

Clan + aggregate of strangers ... ... = Tribe.

Major Clan lineage + aggregate of strangers = { Primary tribal section.

Minor „ „ „ „ = { Secondary tribal section. / Tertiary tribal section.

We have the same difficulty in deciding in some cases whether to speak of two clans or of one clan with two major lineages as we had in deciding whether to speak of two tribes or one tribe with two moieties. Thus the JINACA are descended from Denac or Nac. So also are the RENGYAN and perhaps also the THIANG[1]. All these people are therefore JINACA, the people of NAC. Are we, therefore, to speak of them as one clan or as three clans? In other words, can a man of the Lou JINACA marry a woman from the Rengyan JINACA? At present I have no means of deciding this question since Lou and Rengyan are so far apart that normally the question of intermarriage would not arise. It is impossible even to express an opinion on the matter until we know something about the genealogies of the Rengyan JINACA. If they belong to the same major lineages as the Lou JINACA, namely the lineages of GAALIEK, RUMJOK and GAATBAL, we

[1] I write RENGYAN and THIANG in capitals, though correctly speaking I suppose we should write the JINACA of Rengyan and Thiang tribes.